

### REMARKS

Claims 1-4 are pending with claim 1 being independent. Claims 1, 3, and 4 have been amended. No new matter has been introduced.

#### Specification

The Specification is objected to for listing reference characters. The Specification is amended to delete the list of reference characters as described above. Accordingly, applicants respectfully request that the objections to the Specification be withdrawn.

#### Rejection under 35 U.S.C. § 112

Claims 1-4 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The rejections are obviated by the amendments to the claims listed above and the following reasons.

With respect to claim 1, the Office asserts that the number of rotary damper devices being claimed is unclear. *Office Action*, page 2, 5<sup>th</sup> paragraph. As amended, claim 1 recites "a rotary damper device." Thus, it is clear that the claimed operating lever device includes a rotary damper.

With respect to claims 3 and 4, the Office asserts that the elements that make up the adjusting mechanism are unclear. *Id.*, 6<sup>th</sup> paragraph. As amended

The Examiner rejected claim 1 under 35 U.S.C. § 112, 2<sup>nd</sup> paragraph, as being indefinite due to the description of "each rotary damper device" in line 6 of claim 1. Accordingly, the applicants amended the description, "each rotary damper device" to "the rotary damper device" in claim 1. Also, the applicants amended "shafts" to "a shaft" in lines 1 and 4, and "each shaft" to "the shaft" in line 13 of claim 1 in accordance with this amendment.

Also, claims 3 and 4 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite because it is unclear which elements make up the adjusting mechanism. Amendments to claim 3 specify that the adjusting mechanism is

configured such that a mount provided on the damper case or the rotor can be mounted on plural mounting positions relatively with respect to the shaft. Further, the plural mounting positions are configured as plural positions which make the rotation center of the rotary damper device separated from a line connecting the rotation center of the shaft with the fixing pin. Furthermore, amended claim 4 recites "wherein the mount and each of mounting portions of the shaft, on which the mount is mounted, are disposed on an upper portion of a floor on which the shaft support body is mounted."

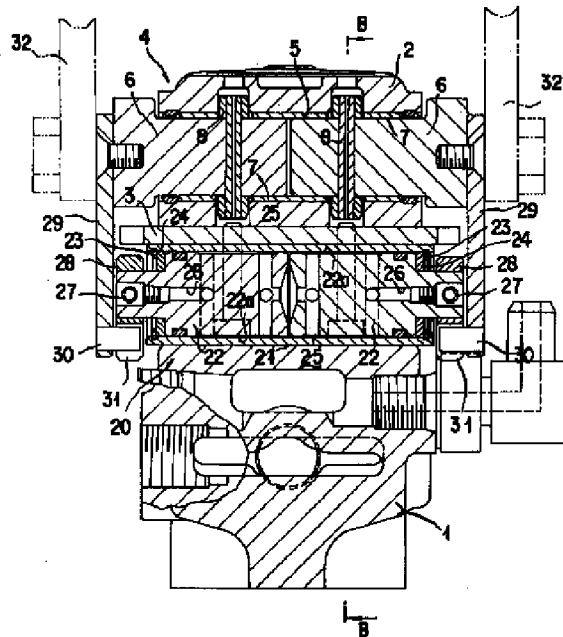
Pursuant to the amendments, applicants respectfully request that the rejections of claims under 35 U.S.C. § 112, 2<sup>nd</sup> paragraph, be withdrawn.

#### Rejection under 35 U.S.C. § 102

Claims 1-4 are rejected under 35 U.S.C. § 102 as being anticipated by Mototani (JP 07-91407). The rejections are obviated by the amendments to the claims and the following reasons.

Mototani describes a damper device of hydraulic pilot valve that includes a rotary shaft rotated by an operation member and an action member, provided on the rotary shaft, that opposes to a piston. *Mototani, Constitution*. The Office asserts that Mototani teaches the claimed rotary damper device; specifically, that one of the damper cases and the rotor, included in the rotary damper device, are mounted on the claimed shaft. *Office Action*, page 3, 2<sup>nd</sup> paragraph. Applicants respectfully request that the Office reconsider its position regarding this feature of claim 1 for the following reasons.

In support of the assertion, the Office cites Mototani's fig. 2 (illustrated below). The Office further asserts that Mototani's tubed case (21) is the claimed damper case, and Mototani's piston (22) is the claimed rotor. *Id.* Note that reference numeral 22 in Mototani refers to a piston and not a rotor. Further, contrary to the Office's assertion, Mototani's tubed case 21 and Mototani's piston 22 are not mounted on Mototani's shaft (reference numeral 6). At least for this reason, Mototani does not describe all the features as recited in claim 1.



Further, the claimed fixing pin is mounted on the claimed body of the operating lever device. The Office asserts that Mototani's pin 30 is the claimed fixing pin. *Id.* Applicants respectfully disagree because Mototani's pin 30 is mounted on Mototani's arm 29, and not on Mototani's body 1. If Mototani's pin is fixed to Mototani's body 1, Mototani's piston 22 which is engaged with the pin 30 fixed to the body 1 via the lever 28 cannot rotate. In addition, since Mototani's case 21 accommodating Mototani's piston 22 is mounted on the body 1, Mototani's the damper mechanism cannot be configured to include the piston 22 and the case 21. For these additional reasons, Mototani does not describe all the features of claim 1.

Thus, Mototani does not describe all the features of the claimed subject matter. Consequently, anticipation is not established. Accordingly, claim 1 and all claims dependent therefrom are patentable.

Reconsideration and allowance of the above-referenced application are respectfully requested.

### CONCLUSION

By responding in the foregoing remarks only to particular positions taken by the examiner, the applicant does not acquiesce with other positions that have not been

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explicitly addressed. In addition, the applicant's selecting some particular arguments for the patentability of a claim should not be understood as implying that no other reasons for the patentability of that claim exist. Finally, the applicant's decision to amend or cancel any claim should not be understood as implying that the applicant agrees with any positions taken by the examiner with respect to that claim or other claims.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the application is in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Respectfully submitted,

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